

REMARKS/ARGUMENTS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-13 are pending in the present application. Claims 1, 5 and 6 have been amended, and claims 3 and 4 have been canceled. The Examiner is respectfully requested to reconsider the rejections of claims 1-2 and the objections to claims 5-13 in view of the amendments to the claims and the remarks set forth below.

Acknowledgment of Information Disclosure Statements

The Examiner has acknowledged the Information Disclosure Statements filed on October 24, 2003 and February 9, 2005. Initialed copies of the forms PTO-1449 have been received from the Examiner. No further action is necessary at this time.

Drawings

The Examiner has acknowledged the acceptance of the drawings, and no further action with respect to the drawings is necessary at the present time.

Claim for Priority

It is gratefully acknowledged that the Examiner has recognized the Applicant's claim for foreign priority under 35 U.S.C. §119 based upon a Japanese patent

application. In view of the fact that Applicant's claim for priority has been acknowledged, no additional action is required from the Applicant at this time.

The Rejection Of Claims 1-4 Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1-4 under the provisions of 35 U.S.C. § 102(b) as being anticipated by U. S. Patent 6,254,536 ("Devito"). The Applicant has amended claim 1 by incorporating the features of claim 3 into claim 1, and the Applicant has cancelled claim 4. The Applicant respectfully submits that amended claim 1 is not anticipated by the DeVito patent.

Claim 1 has been amended to include an operation description displayed on a display unit and the operation description specifies an operation to be performed on an apparatus to be controlled. In other words, the operator of the apparatus is able to see an operation description displayed on the display unit, and the operator is able to cause the first storing unit to store the generated brain wave pattern therein and to associate it with the operation that is being displayed on the display unit.

The DeVito patent does not disclose displaying an operation description on a display unit and allowing the operator to associate a particular brain wave pattern to the operation. In column 12, lines 12-27, DeVito teaches that an event is recognized and translated into a control signal, and the control signal is mapped to a button. At best, DeVito discloses

mapping events ("relaxed forehead", "lowered forehead", and "transition between raised and lower forehead") to control signals that correspond to depressing buttons A, B, C. It is respectfully submitted that in DeVito there is no disclosure displaying an operation description on a display unit and allowing the operator to associate a particular brain wave pattern to the operation. Accordingly, the Applicant believes that amended claim 1 is patentable over DeVito, and the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. 102(b).

Dependent Claim 2

The Applicant believes that dependent claim 2 is allowable over the prior art for at least the same reasons as independent claim 1 from which it depends.

Allowable Subject Matter

The Examiner has indicated that claims 5-13 which depend from claim 1 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and the intervening claims. Claims 5 and 6 have been rewritten in independent form to include the features of their base claims and any intervening dependent claims. Applicant respectfully submits that claims 5-13 are in condition for allowance.


Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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